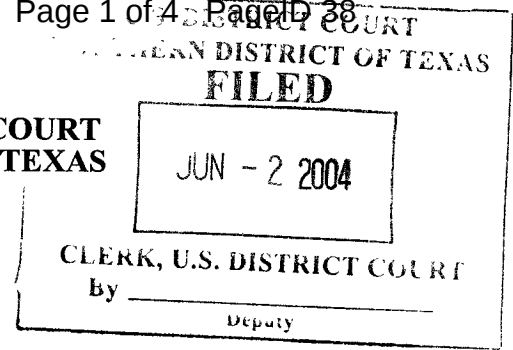


**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**



**ROBERT N. GOLDSTEIN,
GOLDSTEIN/HABEEB
ENTERTAINMENT, INC., and
CHEATERS, LTD.,
Plaintiffs**

CAUSE NO. 3-04CV-677-P

vs.

**TOMMY HABEEB
Defendant**

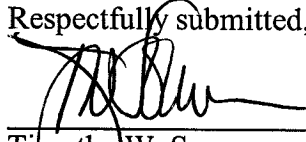
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**JOINT REPORT OF CONFERENCE
AND
PROPOSED SCHEDULING ORDER**

1. Pursuant to this Court's order dated April 29, 2004, counsel for all parties hereto met, face to face, on May 18, 2004. None of the parties believe that this case can be settled or should be mediated, as, it is believed by all that the issues presented herein are to determined as a matter of law.
2. Statement of the Case
 - a. Plaintiffs seek preliminary and permanent injunction restraining Defendant from further prosecuting claims which Defendant filed in State Court against these Plaintiffs and against their attorney in a prior federal suit. Plaintiffs aver that the Defendant's State Court claims are barred by the prior judgment out of this court in Cause No.3-03-CV-0266N (the "Federal Action") under the doctrines of res judicata, collateral estoppel and judicial estoppel.
 - b. Defendant asserts that the State Court action is brought derivatively, in his representative capacity as a shareholder of Goldstein/Habeeb/McCalmont Entertainment, Inc., and that, in such capacity, he was not a party to the Federal Action, or in privity with a party thereto, and/or that the State Court claims were not compulsory in the Federal Action.
 - c. The prior federal action was fully discovered and prosecuted and ready to be tried at a bench trial on January 6, 2004, when an agreed judgment was entered. Therefore, none of the parties hereto believe that further discovery herein is necessary to the Court's grant or denial of the relief requested.
3. No other parties are necessary to the relief requested herein.

4. No experts are necessary to the determination of the issues herein presented.
5. Plaintiffs have filed their motion for summary judgment herein. A response from Defendant is due on or before June 3, 2004. Plaintiff's reply is then due ten (10) days thereafter.
6. The parties do not consent to a trial by the magistrate.
7. All parties believe that any issues not resolved by the summary judgment relief sought herein can be heard and determined, without further discovery, at a hearing on Plaintiff's request for preliminary injunction or by summary judgment motion filed by Defendant, for which all of the parties can be prepared by September 7, 2004.

Respectfully submitted,



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Joined by:



Norton Rosenthal
Texas Bar No. 17281520
Attorney for Plaintiff, Cheaters, Ltd.

PAUL M. HOOD, P.C.
Attorney for Plaintiff,
Goldstein/Habeeb/McCalmont Entertainment, Inc

By: 

Paul M. Hood
Texas Bar No. 09943440

Bergman & Bird, L.L.P.
Attorneys for Defendant, Tommy Habeeb

By: /s/ see attached
Andrew Bergman
Texas Bar No. 02196300

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*L 0/57 Summary Judgment Motion
of Defendant*
Respectfully submitted,

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Attorney for Plaintiff,
Goldstein/Habeeb/McCalmont Entertainment, Inc

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